

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 685

Short Title: DNR Form Signatures.

(Public)

Sponsors: Senator Kinnaird.

Referred to: Judiciary 1 (Civil).

March 13, 2007

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE SIGNATURE OF THE PATIENT OR THE PATIENT'S PARENT, GUARDIAN, OR REPRESENTATIVE ON "DO NOT RESUSCITATE" ORDER FORMS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-322 reads as rewritten:

"§ 90-322. Procedures for natural death in the absence of a declaration.

(a) If a person is comatose and there is no reasonable possibility that he will return to a cognitive sapient state or is mentally incapacitated, and:

(1) It is determined by the attending physician that the person's present condition is:

a. Terminal and incurable; or

b. Repealed by Session Laws 1993, c. 553, s. 29.

c. Diagnosed as a persistent vegetative state; and

(2) There is confirmation of the person's present condition as set out above in this subsection, in writing by a physician other than the attending physician; and

(3) A vital function of the person could be restored by extraordinary means or a vital function of the person is being sustained by extraordinary means; or

(4) The life of the person could be or is being sustained by artificial nutrition or hydration;

then, extraordinary means or artificial nutrition or hydration may be withheld or discontinued in accordance with subsection (b).

(b) If a person's condition has been determined to meet the conditions set forth in subsection (a) and no instrument has been executed as provided in G.S. 90-321 the extraordinary means or artificial nutrition or hydration may be withheld or discontinued upon the direction and under the supervision of the attending physician with the written and signed concurrence on the DNR order form (i) of a health care agent appointed

1 pursuant to a health care power of attorney meeting the requirements of Article 3 of
2 Chapter 32A of the General Statutes, or (ii) of a guardian of the person, or (iii) of the
3 person's spouse, or (iv) of a majority of the relatives of the first degree, in that order. If
4 none of the above is available then at the discretion of the attending physician the
5 extraordinary means or artificial nutrition or hydration may be withheld or discontinued
6 upon the direction and under the supervision of the attending physician.

7 (c) Repealed by Session Laws 1979, c. 715, s. 2.

8 (d) The withholding or discontinuance of such extraordinary means or artificial
9 nutrition or hydration shall not be considered the cause of death for any civil or criminal
10 purpose nor shall it be considered unprofessional conduct. Any person, institution or
11 facility against whom criminal or civil liability is asserted because of conduct in
12 compliance with this section may interpose this section as a defense."

13 **SECTION 2.** This act becomes effective October 1, 2007.